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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/008,748

12/06/2001

Craig A. Paulsen

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6019

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EXAMINER
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LANEAU, RONALD

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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07/10/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/008,748	<b>Applicant(s)</b> PAULSEN ET AL.	
	<b>Examiner</b> Ronald Laneau	<b>Art Unit</b> 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 60-72 and 74-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 60-72, 74-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. The Examiner agrees with Applicant that the Application was not under the Final rejection and therefore the Advisory action was sent in error. The amendment filed on 3/6/06 has been entered. Claims 74 and 75 are amended, new claims 76 and 77 are added and claims 60-72 and 74-77 are now remain pending.

***Claim Rejections - 35 USC § 112***

2. Claims 60-72 and 74-76 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The newly added limitation in the independent claims "said candle not requiring removable colored plastic inserts for changing the color that is displayed" is not disclosed in the Specifications. Applicant is required to point out the exact pages and lines where this limitation is disclosed in the Specification.

Correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 60-72 and 74-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,605,506 to Hoorn et al. (Hoorn) and further in view of US Patent No. 6,897,624 to Lys et al (Lys) and Irving US Patent 3,987,401. The previous office action is relevant and incorporated herein. Hoorn teaches a gaming machine (4:48-49), a user input mechanism (4:49-50), an external visual indicator providing illumination in multiple colors (5: 1-13), the colors are illuminated in a controlled fashion as a result of different events (5:1-13) such as jackpots (Abstract) and requirements for service (5:8-12), the external visual indicator is a cylindrically shaped electronic candle (Fig. 3), the customized illumination pattern is a two-stage candle with different light sources (5:41-43). A processor controlling game input and illumination output is inherent with gaming machines and is supported through the disclosure of the gaming machine maybe any variety of computer (3:60-63). Hoorn does not teach using LEDs or illumination patterns using the LEDs. Instead Horn teaches and provides motivation to find other light sources in column 6:18-24 that regardless of the means by which the top and bottom stages are colored, the particular colors of the top and bottom stages will generally be different and chosen according to a casino operator's preference. In an analogous invention to Lys therein is disclosed an intelligent lighting device that can receive signals and change the illumination conditions as a result of the received signals. The lighting device can change hue, saturation, and brightness as a response to received signals. One example of using such a lighting device is to display particular colors as a response to certain events (abstract). Column 6 discloses how the LCD device may be controlled and the transmission of the control. Column 9 discloses that the illumination source may be anything. Column 11 discloses how the combination of red green and blue LEDs can be controlled to provide different lighting effects. Column 12:20-35 discloses

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that the lighting device may be any shape, size, shading, material or selected for its light transmitting properties. Column 18 discloses control with PWM. Columns 27-30 disclose how a LCD screen may change color using the control system of the invention by changing the backlighting in accordance with a condition. The reference to Irving is added to the combination to provide increased motivation for the combination to teach what has been long known in the art with respect to the replacement of incandescent light bulbs with LED's. Specifically column 1 background states "Light emitting diodes are replacing light bulbs in modern indicating systems. These diodes are known for their long life and, as manufacturers develop LED's of various colors, will prove ideal as indicators. One manufacturer, Monsanto, sells a part (part no. MV5491) having a red and a green LED in the same translucent package. The LED's are wired in parallel and reverse polarity oriented. When current flows through the part in one direction it emits red light, green light being emitted with a reverse current flow. This is one of many parts which is the product of a modern technology and which would be ideally suited in a variety of indicator applications." It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hoon to replace the current illumination display for an inexpensive LED light display using the motivation provided in Hoon that regardless of the means by which the top and bottom stages are colored, the particular colors of the top and bottom stages will generally be different and chosen according to a casino operator's preference using the motivation provided above and added by the inclusion of the reference to Irving which defines the level of ordinary skill.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

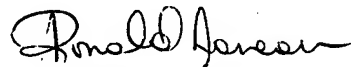
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ronald Laneau  
Primary Examiner  
Art Unit 3714

6/25/07

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